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November 28, 2007  
File No.: 07-0911

Masi & Bruno  
124 Long Pond Road, No. 11  
Plymouth, MA 02360

Attn: Attorney John Bruno

Re: Broadley, Mark vs.  
Mashpee Neck Marina  
DOI: 8/25/02

Dear Attorney Bruno,

Please accept this letter and the opinions contained within as an addendum to my written report in the above referenced action, dated September 17, 2007.

On November 5, 2007, the undersigned, in company of Mr. Nelson Brace, manager of Mashpee Neck Marina and Mr. Timothy Leedham, owner of Mashpee Neck Marina, conducted certain tests to determine the effect of wakes of passing vessels on the marina facility in general, and on Slip #9 in particular.

This test was conducted at approximately 1400 hours, at a time to very closely simulate the time of low tide, which is the tide condition at the time of the alleged injury to Mr. Broadley.

For this test, a vessel, representative of the largest class of vessel to use this section of Popponesset Bay in Mashpee, was utilized. The vessel was a 2007 Edgewater model 265 center console sport fisherman with twin Yamaha F225 four stroke outboard engines. The principal dimensions of the vessel are 26' 6" in length, 9' 6" in beam, with a hull draft of 21", exclusive of the engine lower units.

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The weather conditions on this day were satisfactory, being clear sky, clear atmosphere, and light and variable wind.

To memorialize the wake effect that we were attempting to replicate, a video camera was utilized.

In the first instance the vessel, captained by Mr. Leedham, approached at a high rate of speed from the southwest, approximately ¼ mile below the marina, and quickly accelerated to 25 knots, and passed through the channel on a northeasterly course until there was insufficient water to continue, just beyond the mooring area to the east of the marina.

There was no discernable wake experienced at Slip #9, and we observed that the wake was nearly completely dissipated by a sandbar that exists due south of Slip #9, over a broad area just west of the marina slips.

Next, the undersigned instructed Mr. Leedham to return to the same course, this time operating at a speed that would provide the maximum wake. When the southwest to northeast passage in the channel was made at approximately 10 to 12 knots, a visible wake was observed immediately behind the vessel, and some boats at the extreme southern end of the marina appeared to be lightly affected.

Again, the broad sandbar that exists to the south of Slip #9 completely dissipated the wake and there was no discernable movement at Slip #9.

The undersigned chose to replicate the two (2) speeds in the opposite direction, with Mr. Leedham taking the vessel from the very shallow water to the northeast corner of the bay, and navigating down the channel to a ¼ mile south of the marina, at both high speed and moderate speed.

In the instance of high speed, some rattling of the float connections was discernable, but no movement of the marina finger piers or main section were felt in the area of Slip #9.

When the vessel proceeded northeast to southwest at moderate speed, 10 to 12 MPH, a large wake was visible behind the vessel and it had a light effect on Slip #9. More specifically, the finger pier connections rattled as the wake proceeded east to west, and when it reached the area of Slip #9, it was visible to the careful eye that the finger pier and the main section both rose slightly together, some modest amount, perhaps 2", but there was no opening or closing of the gap in the area of the finger pier connection to the main section.

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In summary, the large shallow area in which the marina sits, nearly completely dissipates any passing wake. It is our opinion that the wake from a passing vessel at or near low tide on upper Popponesset Bay has no discernable effect on the floating piers at Slip #9.

Submitted without prejudice,  
MARINE SAFETY CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Michael L. Collyer". The signature is fluid and cursive, with the first name "Michael" being the most prominent part.

Michael L. Collyer  
Senior Marine Surveyor

Enclosure: Videotape

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